
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

JASON CORY FREGIA,

Plaintiff,

*versus*WAYNE THERIOT, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:13-CV-702

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Jason Cory Fregia, proceeding *pro se* and *in forma pauperis*, filed this civil action against Sergeant Wayne Theriot, the City of Sour Lake, Sour Lake Chief of Police Michael Holzapfel, Hardin County Sheriff Ed Cain, and Hardin County.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the action pursuant to Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915(e). The magistrate judge also recommends declining to exercise supplemental jurisdiction over the state law claims.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Although he has amended his complaint twice, plaintiff alleges

he should be allowed to amend his complaint a third time to state a claim. However, any proposed amendments would not correct the deficiencies in plaintiff's complaint because his claims are barred by the statute of limitations.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 12th day of March, 2015.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE